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U.S. Courts of Appeals

263, 38d, 48h 58h, 98h & 108h

U.S. District Courts

S.D.N.Y., W.D.N.Y. E.D.N.Y.,

N.D.N.Y.

D. Md., D. Col., W.D. Okla

W.D. Tex., N.D. Tex.

State Courts

New York Colorado

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November 29, 2024

Hon. Mark Pittman U.S. District Judge Northern District of Texas 501 West 10th Street Ft. Worth, TX 76102

Re: Point Bridge Capital, et al. v. Johnson, 24-cv-00988

Your Honor,

By this letter, I respectfully beseech you to re-consider your Order, dated November 18, 2024, in which you denied my request to appear without local counsel.

This case involves a Plaintiff, residing on the Northern District of Texas, and a Defendant, who resides in the Eastern District of Virginia, with no private or commercial residence (at any point in time) in the Northern District of Texas. He is being sued, with *in personam* jurisdiction based upon his alleged contacts in the Northern District of Texas, and the Plaintiffs relying upon the Texas long-arm statute. See Complaint at ¶ 20.

I represent Mr. Johnson in other matters, and he has retained me to represent him in this matter as he has no contact, or connection, with any law firm or attorneys in the Northern District of Texas. Upon being contacted by Mr. Johnson regarding this lawsuit, I contacted counsel for the Plaintiffs, and advised Plaintiffs' counsel of my intent to appear on his behalf.

In furtherance, thereof, on November 06, 2024, I filed an application for admission to practice before the Bar of this Court. This application was granted (on November 14, 2024, by the Hon. Ada Brown), and, on November 15, 2024, I was duly sworn in by the Hon. Vincent Briccetti, Sr. Judge, of the Southern District of New York. Further, as my Application Motion set forth, the requisite \$200 application fee was paid to this Court. (Attached is a copy of my Application for Admission, including the federal and state courts to which I am admitted.)

In Your Order, of November 18, 2024, denying the requested relief, you stated that Mr. Johnson had fourteen days, from the date of the Order to retain local counsel. That time restriction runs out on December 3, 2024. (You further directed that any Answer by filed by November 22, 2024, and this was fully complied with. See ECF No. 8.) Further, It should be noted, that among the Affirmative Defenses raised was lack of *in personam* jurisdiction. See Answer at Fifth Affirmative Defense.

Hon. Mark Pittman, U.S.D.J.

Re: Point Bridge Capital, et al. v. Johnson, 24-cv-00988

29 November 2024 — page two

While I immediately advised Mr. Johnson of this fact, at that time Mr. Johnson was in Europe on business, and did not return to the United States until Wednesday of this week.

As such, I would respectfully request that the Court re-consider this request. As I stated in my original Motion, Mr. Johnson is of limited financial means, and does not have the assets to retain additional counsel. Such a requirement will impose a substantial and all but impossible burden upon him to properly and effectively defend this lawsuit.

It should be noted that in most cases the requirement of local counsel is one that is Ordered upon a *plaintiff* who has chosen to initiate litigation in this District, as opposed to a defendant who is forced to appear in this District. *See, e.g., Campbell v. Garland*, 2023 U.S. App. LEXIS 29160 at *18-*19 (5th Cir. 2023); *Kinstley v. State Farm Lloyds*, 2024 U.S. Dist. LEXIS 194960 at *3-*4 (N.D. Tex. 2024); *Six Flags Entertainment Corp. v. Travelers Casualty & Surety Co. of Am.*, 2021 U.S. Dist. LEXIS 98395 at *3-*4 (N.D. Tex. 2021); *Tillotson v. Equifax Information Svces.*, 2021 U.S. Dist. LEXIS 204642 at *4-*5 (N.D. Tex. 2021); *Atlas Trading Conglomerate, Inc. v. A.T. & T., Inc.*, 2018 U.S. Dist. LEXIS 33032 at *9-*10 (N.D. Tex. 2010).

Compare *Penni v. Giorgi*, 841 Fed. App'x 655 (5th Cir. 2021), where, unlike the case at Bar, the Court of Appeals upheld a requirement of local counsel where the party seeking such relief engaged in both "delay and contumacious conduct", and the evidence of prejudice to the defendants by seeking relief under L.R. 83.11. *Id.* at 658-59.

As such, it is respectfully requested that the Court re-consider its prior Order, and permit Mr. Johnson to appear by Counsel herein. In the event that the Court denies such relief, it is requested that Mr. Johnson be granted an extension, until December 18, to seek such local counsel, or seek a change in venue. See *In re Horseshoe Entertainment*, 337 F.3d 449, 434 (5th Cir. 2003); *McCaa v. Easterling*, 2008 U.S. Dist. LEXIS 140526 at *11-*12 (S.D. Tex. 2008).

Respectfully submitted,

Bernard V. Kleinman, Esq.

cc: All Counsel of Record by ECF

JUDGE:	DIV:	

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS

APPLICATION FOR ADMISSION TO THE BAR OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

Instructions: Type or print your answers. Answer all questions fully. An incomplete response will delay processing your application. If a question does not apply to you, answer "N/A." Where the space provided is insufficient, answer on additional sheets, with reference to the question. After the oath has been administered to you, take this signed application form and fee immediately to the District Clerk's Office for processing. If the oath was administered to you in another district, see the instructions for returning the form at the bottom of page 3. Important: Page 3 is an optional page that is <u>ONLY</u> to be used if the judge who will administer the oath to you is not a district judge for the Northern District of Texas. Discard page 3 if a district judge of this Court will administer the oath to you.

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	(last)		(first)	(middle)	(generation		
Name Us	ne Used in Documents Filed with Court (if different from above):						
Firm/Bus	irm/Business Name: LAW OFFICE OF BERNARD V. KLEINMAN, PLLC						
Firm/Bus	Firm/Business Address: 108 VILLAGE SQUARE, SUITE 313 SOMERS, NY 10589-2305						
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Telephon	ie: <u>914-</u> 6	44-6660	FAX: <u>914-694-1647</u>	E-mail: <u>ATTRNYLWYR@Y</u>	AHQO.COM		
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Case 4:24-cv-00988-P Document 10 Filed 11/29/24 Page 4 of 9 PageID 176 ١), Indicate any grievances or involuntary removals filed against you while a member of the bar of any state or federal court. Describe the encumstances in detail. N/A 10. Describe in detail any charges, arrests, or convictions for criminal offense(s) filed against you. Omit minor traffic offenses, 11. Would you be interested in being appointed to a federal criminal case? Ves Would you be interested in providing pro hono legal services in a civil rights case? Yes New York State Bar Number(s): 1380989 12. or Court Use Only Bar Status Ventical Specify State(s) if Other Than Texas Thereby certify that all of the above information is true and correct. I recognize that by admission to this Court I am subjecting myself to the discipline of this Count. Applicant's Original Signature Sworn and subscribed to before me: NOWCOMBER (AM.) OZY Date Seal: JESSICA I. BURRS Notary Public - State of New York NO. 01806293241 Qualified in Potnam County My Commission Expires Dec 9, 2025 Admitted on the motion of the following sponsor who, by signing below, represents that the sponsor is a member in good standing of the bar of the Northern District of Texas and that the sponsor is sufficiently acquainted with the applicant to affirm, and does affirm, that the applicant is of good personal and professional character. See LR 83.7(b). Parry Field Iw Bar Number (Specify if Other Than Texas) Lawrence J. Friedman 972-7887-1400 Printed Name Lelephone Number

See next page for original signature

Application Approved and Oath Administered by a United States District Judge for the Northern District of Texas: (If the oath will be administered by another Judge, skip this and use page 3.)

Date Oath Administered United States District Judge
Northern District of Texas

10.	Describe in detail thy charges, afrests	Document 10 Filed 11/29/24, or convictions for criminal offense(s) med against	Page 5 of 9 Page D 177 you 90 mit minor traffic offenses.			
Ð.	Would you be interested in being appointed to a federal criminal case? Yes No Would you be interested in providing pro bono legal services in a civil rights case? Yes No					
12.	State Bar Number(s): 1380989 Specify	State(s) if Other Than Texas	For Court Use Only, Bar Status Verified:			
	oy certify that all of the above information	on is true and correct. I recognize that by admission t	to this Court I am subjecting myself to the			
Date	A second	Applicant's Original Signature	Applicant's Original Signature			
Sworn and subscribed to before me:		Date	Date			
Seal:		Notary Official/Deputy Clerk				
the No	orthern District of Texas and that the spor d personal and professional character. So					
Sponse	or's Original Signature		Bar Number (Specify if Other Than Texas)			
10	WRENCE J. FRIEL	(972) $788-1400$	(972) 788-1400			
Printed	d Name	Telephone Number	Telephone Number			
	cation Approved <u>and</u> Oath Administere istered by another Judge, skip this and us	d by a United States District Judge for the Northese page 3.)	ern District of Texas; (If the oath will be			
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OPTIONAL PAGE

Use this page ONLY if the oath will be administered by a U.S. Circuit Judge, by a U.S. District Judge in a district other than the Northern District of Texas, or by a U.S. Bankruptcy Judge or U.S. Magistrate Judge. Otherwise, discard this page.

Application Approved by a United States District Judge for the Northern District of Texas (REQUIRED FIRST):

November 13, 2024

Date Application Approved

United States District Judge Northern District of Texas

(IMPORTANT: The oath below should only be administered AFTER a United States District Judge for the Northern District of Texas has signed above approving this application.)

Oath or Affirmation:

I do solemnly swear (or affirm) that I will demean myself as an attorney and counselor of the United States District Court for the Northern District of Texas, uprightly and according to law, and that Typil support and defend the Constitution of the United States. So help me, God. (Omit "So help me, God" for Affirmation.)

November 15, 2024
Date Oath Administered

Signature of Judge Administering Oath

Vincent L. Briccetti, U.S.O.T., S.O.N.X.
Printed Name and Title of Judge Administering Oath

After both judges have signed above, email the completed application (including this page and the Certificate of Good Standing) to attorney txnd@txnd.uscourts.gov and pay the admission fee online by docketing the Attorney Admission Fee event in ECF. If you are unable to pay the fee online, mail the completed form and fee to U.S. District Court, 1100 Commerce St., Rm. 1452, Dallas, TX 75242.

COURTS CURRENTLY ADMITTED TO PRACTICE IN & DATE OF ADMISSION:

U.S. District Courts:

November 18, 1975 S.D.N.Y. May 15, 1975 E.D.N.Y. August 14,2000 N.D.N.Y. April 11, 2018 W.D.N.Y. August 3, 1998 D. COLO. D. MARYLAND. July 6, 2021 March, 12, 2018 W.D. TEXAS

W.D. OKLA. Oct. 14, 2024

U.S. Ct. Appeals:

2d Circuit November 24,1975 [renewed 24 Apr 2024] 3d Circuit: October 14, 2015 4th Circuit: November 15,2021

December 22, 2015 5th Circuit

9th Circuit: May 7, 2021

December 13, 1999 10th Circuit:

U.S. Supreme Court February 12,2012 Office of Military Comm's Oct. 12,2013

State Courts:

New York State: March 5, 1975

Colorado Bar No. 59662: December 20, 2023

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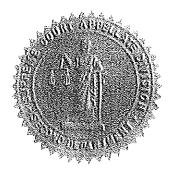


Appellate Division of the Supreme Court of the State of New York Second Judicial Department

I, Darrell M. Joseph, Clerk of the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, do hereby certify that

Bernard V. Kleinman

was duly licensed and admitted to practice as an Attorney and Counselor at Law in all the courts of this State on March 5, 1975, has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counselors at Law on file in this office, is duly registered with the Office of Court Administration, and according to the records of this Court is currently in good standing as an Attorney and Counselor-at-Law.



In Witness Whereof, I have hereunto set my hand in the City of Brooklyn on October 25, 2024.

Clerk of the Court



HECTOR D. LASALLE
Presiding Justice

DARRELL M. JOSEPH CLERK OF THE COURT Appellate Division Supreme Court of the State of New York Second Indicial Department 45 Monroc Place Brooklyn, A.Y. 11201 (718) 875-1300

KENNETH BAND MELISSA KRAKOWSKI DEPUTY CLERKS

WENDY STYNES LAUREN G. DOME BRIAN E. KENNEDY ASSOCIATE DEPUTY CLERKS

To Whom It May Concern

An attorney admitted to practice by this Court may request a certificate of good standing, which is the only official document this Court issues certifying to an attorney's admission and good standing.

An attorney's registration status, date of admission and disciplinary history may be viewed through the attorney search feature on <u>the website of the Unified Court System</u>.

New York State does not register attorneys as active or inactive.

An attorney may request a disciplinary history letter from the <u>Attorney</u> Grievance Committee of the Second Judicial Department.

Bar examination history is available from the <u>New York State Board of Law</u> Examiners.

Instructions, forms and links are available on this Court's website.

Darrell M. Joseph Clerk of the Court